PF 770693

G. R. S. IX-5]

Previous references. 1892-93

192 .

( )

Later references.

File No. 1407-92

Serial Nos. 1-10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—10

Major ~~Part~~ E for November 1894

SUBJECT.

Appeal of Subbiah regarding the Patelig
Amanikar
Chettanahalli, Gubbi Taluk

Conducted

Brothers

WD 2233—C PB—20,000—11-6-20

Pueni

No 1113 of 1892-93

Applicant
Plaintiff
} Subedar

vs

Respondent
Defendant
} Balwant Gowda.

This is a suit for the Patel
of Chikmahalli Amanikere in
the Gubbi Taluk

On February 1879, the Amildar
of Gubbi Taluk, reported to the
Deputy Commissioner, Tumkur
District, as follows :—

That after the receipt of the
express order from the Tumkur
Deputy Commissioner, stating

that

that the tank of Kanchalli was
in a dangerous condition and
that all the tanks connected with
it must be carefully watched,
he ordered the Patel of Chanchalli
to take proper help and go
and guard the tank,
That when he went there afterwards,
as he found his order was not
carried out, as the Patel was not-
able to procure assistance from
the ryots, as the tank was in a
dangerous condition as there
were many complaints from
the ryots against the Patel about
the supply of water, and as it
appeared that the Patel was
not able to discharge the
functions of the Patail of both
Chanchalli and Anantsheer

he appointed Ramiah, Patel
of Chadachelli to superintend
the work of Amanikere.

That later on, Belave
Gowda, Patel of Padagudi,
presented a petition stating
that he was the hereditary
Patel of Chikmahalli and
produced certain documents in
support of his statement.

That as in the documents
produced there was a decision
by the Amildar Basavarajiah
in a dispute between the uncle
of Subbiah (Appt) and another
Basappa about the Patelship of
the village, to the effect that
Belave Gowda's ancestors were
the Patels of Chikmahalli

and

and also in a deed executed
by the grand-father of Subbia
It was stated that he would give
up the office of Patail if Belure
demanded, and
That as Subbia was unfit
to perform the duties of the
Patail of both Chitnahalli and
Amanikere, Belure Gonda
might be appointed as Patel
of Amanikere——

On this, the Deputy Commissioner,
Mr Lacey ordered, as follows: —
"The Amildar is of opinion
that Belure Gonda is better suited to
the Patailship of Amanikere of the
Chitnahalli village, that the person
who now looks after the duties, as
having more influence with the people
and the present holder does not
attend properly to his duties and
is very lax in the collection of the Revenue 19. 2. 79.

Mr

(2) That he appealed against the orders of the Deputy Commissioner dismissing Belure Gowda's appeal of Amanikere to the Division Commissioner and that he did not know what became of it

(3) That the cause of action arose at Chikmagalur in December 1879 when the Defendant began to do the duty of the Patel

(4) That as the Plaintiff was the Patel of the village and the Magani of the village it would be convenient if the Patel's and Amanikere also were discharged by him.

5 That the Patel of Amanikere should be restored to him, as the Defendant had no right whatever to the same.

The Plaint was referred

to the Amildar for enquiry and
report —— —— 9. 6. 91.

Plaintiff Subbia filed before
the Amildar, as follows: ——.

× × × × × ×

That the document, purporting to (Exhibit I)
be executed by his grand-father
and containing the fact that
Defendant's ancestors were
the hereditary Patels of Parailshiji
and that he would give up
the office when demanded,
was not genuine, that the
appointment of Defendants
on the ground that the Plaintiff
was unfit for the Patel of the
three villages, had not [illegible]
their Defendants his right to Patelship,
that he had no documentary
evidence to show that he performed
the duties of the Patel of
Amarnikere till Dec. 1879.

Defendant Below [illegible]

[illegible] as follows ——

That in 1879 when the water of the [illegible] was escaping through an opening, Subbia was sent for, but as he did not give satisfactory explanation for his neglect and as he (Appellee) produced documentary evidence showing his right for the Patailship of Chuttrahalli and Amanikere the Amildar recommended him for the post which was confirmed on him, accordingly.

That twenty years before 1879, his father Yellakki Gowda was the Patail, that — the Patailship was then held on [illegible] tenure that his father exercised the Patail as he did not bid for it afterwards That the Plaintiff had no [illegible]

On

on the appointment as the suit
brought by him was barred by
lapse of time

The following issues were framed
in the case: ——

1 Whether the Patel's hereditary rights
was in the enjoyment of the
ancestors of the Plaintiff & of the Defendant

2 Whether the Plaintiff had any
right to the Patelship after
the appointment of the Defendant

3 Was the suit barred by limitation

4 Was the deed produced by the
Defendant, genuine ——

As it was evident from the order
issued to Belure Sondar by the Shirstidar,
as decided by the Amildar, that
Belure Gowda took charge of
the office of the Patel on 2nd
April 1879, the Amildar decided
that the suit was barred by
limitation and dismissed the
records.

Revd June 1891

records to the Deputy Commissioner

15. 9. 91 for disposal

The Deputy Commissioner referred this to the Probationary Assistant Commissioner, Uttukkuli who decided that the Plaintiff's suit was barred by lapse of time and that he failed to establish his claim for the Patta in question for the following reasons: ——

97. 9. 92 "In the Panchayati Register of 1847 the names of Kadapiballi Muddegowda and Nagegowda Gowda are entered as hadavu and one Subbiah's name, probably that of the Plaintiff's grandfather entered in the column of "Person doing duty" with the remarks that the hadavu were living in a separate village. In the Register of 1864 Subbiah is shown to be the Patel of Chikmadalli and in the column under relationship or claim, it is stated that Subbiah inherited it from his father Ramaya

the correction of the entry is very doubtful, as in 1847 Register Savlia is stated to be only taking the duties of the Karkuns who were absent from the village & it is stated by Savlia, the Patelikee had been purchased, it could have been so stated in the Register - & the Mahajanlekh Chudhyri Gowda and Kulgavi Gowda were it is not known, neither party produced any evidence shewing whether they were the original Karkuns."

2 "As long as the Patays and Amani system of cultivation was in vogue, there does not seem to have been any necessity for a separate Patel for the Amanikare But it evident from the Last two Separate Savabogues and other village Servants are appointed for the village, and the Amanikare but no separate Patel, as is shewn in the Banadasti Register of 1864 I believe Right duty there was to be done in connection

The Court directed
for the Defendant the Issues
and findings ~~here~~
~~directed~~ to be following

Issues. —

(1) Has the offer been withdrawn
~~or~~ revoked or not?

(2) Was the Plaintiff ready & willing

(3) Was the Defendant
ready & willing to pay the
Plaintiff the £ 1000 upon
Plaintiff's executing the
proper Conveyance?

The Defendant Counsel
directed the Counsel for the
Plaintiff the Issues.
The Counsel for the Plaintiff
the Issues for Plaintiff
the Issues for Defendant
and directed a finding
in which the following is
a true Copy: —

"That Plaintiff did offer
the Defendant the
Defendant to pay the

This Rule was Received by
the Umeddar to the Udaramba
on the 27 March 1879.
An Extract from a Kandhe
filed by Defendant shows
that he remitted Rs 580-6-7
(plus one Rupee as Notice fee)
to the Talaq Treasury on
the 31st March 1879.
The Extract is as follows:-
"Extract from Kandhe
para 90 of Chetnakalle
Amanikere (Talaq village)
on the 31st March 1879
a Sum of Rs 580-6-7 was re-
mitted to the Talaq Cutcherry
at Kadaba with Chetnakalle
Report No 2 (ne) thereof
Sirgani Bira and Talwar
Lekka.

Collections for Oliku	1-13-10
do Eagwa	1-13-10
do Bakudeya	576-10-11
	Rs 580-6-7

(Signed) Srikanthaiah
Shanbogue
(Signed) Belure Gowda
Patel of Amanikere.

Notice fee received - One Rupee
Total Rs 581-6-7

Received 2nd May 1879

(Sd) Hanumantha Rau
Nagar Tunastar

Signature of
Dascaffa Sheriff
Seshaffa
Tahsildar for Bundler.

Abstract
from Kirdhes filed by diffr.
they that he remitted
to the Treasury on the following
dates the sums noted against
each Date. Sum remitted

28 April 1879- Rs 490-8-7
12 June 1879- Rs 245-13-5

C.J. 1876

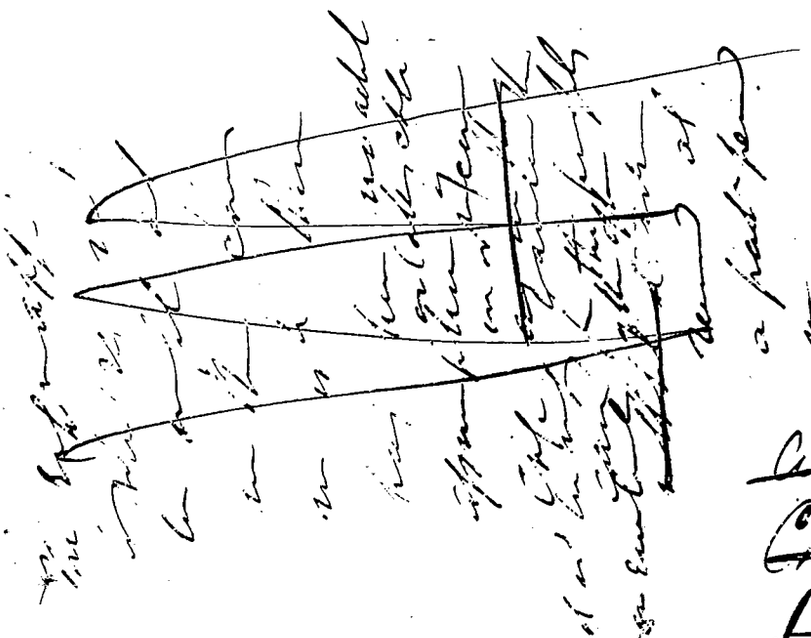
Abstract No
Cost
"
Interest
Total
Order No
211
246

Act of Partition
between
Executors under the
Testament of Mary
Ann Hall deceased
of the one part
and
Elizabeth Hall
Widow of the said
Testator
of the other part

Whereas Mary Ann Hall late of
Bank Cottage Lower Hill
in the Parish of Stoke
in the County of Surrey
Spinster deceased duly
made and published her
last Will and Testament
dated the
and thereby appointed
the said
Executors
And whereas the said Testatrix died
on the
and her Will was duly proved
by the said Executors in the
Principal Registry of Her
Majesty's Court of Probate
And whereas the Testatrix
at the time of her death
was possessed of or entitled
to the Sum of
Consols

kinds of crops are usually advanced and the time in which they are harvested varies with the nature of each crop; and almost every crop is harvested. If limitation is to be calculated from the time the emoluments of the office were usually received it will have to be determined what kind of crop the crop is to be of which by the Defendant is to be taken as the starting point of limitation.

It having been proved that Defendant took charge of the office in his own right on the 31st March 1879, the questions that arise for determination are



as to the date on which
Respondent took possession
of the office, it is immaterial as it is
to his title. The question as to
when the profits were
actually received

Appellant's cause
of action arose on
2 April 1879 and
the present suit which
was filed in June
1891 is clearly barred
by the law of limitation

The appeal is
dismissed

as in this case
[illegible] is entitled to
an account and
is [illegible]
all the [illegible]
[illegible]

when the profits were actually received

91

the Suit is barred by the Law of Limitation but appts advocate contends that under article 124 of the Limitation Act XV of 1877, the cause of action arises not on the date on which the Respts commenced to do duties of the Office, but on the date when the profits thereof are usually received, & if the latter date be taken, the Suit is not barred

Govt consider that the contention is valid, the object of legislature in fixing the date with reference to the enjoyment of profits being evidently to afford to the injured party a complete

Before deciding this point which is an important one the Court is requested to make a finding on the following point, namely the date on which the Respts commenced to do duties of the Office, & his findings on the above point should be received

notice of the deprivation of his rights. — The Case will have to be remanded for further enquiry on the following points & a decision thereon. —

1. Has the office any emoluments attached to it. —

2. When the said Rents usually collected

3. Is the Petitioner debarred by the cause of action from the date on which the emoluments are usually received? —

25/11/93

Let it be intimated that the case has been remanded for further enquiry on the question whether the Petitioner is barred by the Laws of Limitation or not.

for proper determination of this issue — The question of limitation may be formally decided after the evidence on the other points is recorded.

Adjourned to 9 o'clock 1893 Nov 26

Adjourned to 23-11-93.

Amt.

In lieu of that first and the following: —

3. When did the Petitioner entitled upon this date an actual and present right to the office

2/12/93

I have no objection to the modification suggested by the Petitioner

2 Chelliyar

1/12/93

Petition filed

(General Serial No. 32.)

1893.

No. 2187

Name of Petitioner. Subbia Patail
by S. Narayana Rao, Advocate.

Villages Anchikeri & Chenahalli

Taluk. Gubbi

District. Tumkur

Date of Arzi. 22-2-93

Date of Receipt. 28-2-93

Date of Disposal.

No. of Enclosures. 2.

LR. 140-92-1

ABSTRACT.

The Petitioner appeals against
the decision of the Deputy
Commissioner, Tumkur, in
the Revenue Appeal Case No 3 of
1892-93 for the reasons quoted
in the English Petition, relating
the claim of his Ryotwari.

RR Special case
of appeal
Transfer application
Copy of judgment
& decree
Proceedings & letter

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Pet
1120

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 218/113 dated 22-2-93 received at the Dewan's Office from Subbiah of Chitra Hall in Gubbi Taluk appeal against the Dy Commrs order in Revenue case No. 93 of 1892-93 regarding ~~boundary~~ the Patel of the said Chitradurga Amanikere

is forwarded, together with its two enclosures, to the Deputy Commr Tumkur. Dft. for submission of proceedings with a report on the facts of the case and on the points taken in the petition.

2 petitions with its enclosures should be returned

By Order,

(Draft)

Chief Secretary.

BANGALORE,
23 Feb 1893

4

M. G. C. P. Bangalore.—21-11-92—3,000.

From the Dewan's Office No. 1405 of 1892-93.

Tamukia District

Deputy Commissioner's Office

Tamukia, the 8th March 1923.

No: 760.

To,

The Chief Secretary to the

Government of Mysore.

Sir,

I am directed in your Confidential Memorandum No: 20 of the 5th instant to state that no further enquiry regarding the record in connection with the petition of enquiry of Krishnaiah in the Sirsi Taluk appealing against the order of this office in Revenue appeal Case No: 5 of 1922-23, regarding the status of the said Krishnaiah is considered.

2. The enclosures of the Memorandum under reply are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant

Deputy Commissioner.

(1)

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 2181/92
DATE 23-2-93

A. S. No 113
92-93

In the Court of the Dewan and
Councillors of H. H. the Maharaja
of Mysore.

Revenue Second Appeal No. 15/93

Appellant and plaintiff
Subbia

vs

Respondent and defendant
Belure Gowda

The appellant above named begs to appeal against the decision of the Deputy Commissioner of Tumkur District in Revenue Appeal Case No 6 of 1892-93 for the following reasons—

1. The Learned Deputy Commissioner erred in holding that the Plaintiff's claim is barred by the law of limitation

2. The Learned Deputy Commissioner failed to notice the explanation attached to the words "taking possession" in Column three of art. 12 of the limitation act

the produce of the land attached to the hotailee in question, which was in December 1879 or January 1880 and the suit was filed within twelve years from this date.

4. For the foregoing reasons the Appellant prays that this Honorable Court will be pleased to reverse the decision appealed against and direct a fresh decision on the merits of the Case.

Bangalore
29nd Feb 1883

A. Sangamappa
Advocate

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

Appeal No. 113 of 1892-93.

Appellant. Vs. Respondent.

Chikkanakatti Subbiah of Chikkanakatti
Gubbi Taluk
Tumkur District.

Echura Gowda.

LR 140-92-4

Decision. dated 19. 12. 93

As admitted by the Respondent, Appellant was Patail of Chikkanakatti and Amanikere and had possession of the office for 20 years prior to 1879. In march 1879, the then Deputy Commissioner, removed the Appellant from his charge of the Amanikere and appointed Respondent, who is connected with the Appellant, as the Patail, on the ground that

that the Appellant was not
appeal to the work of
both the principal village and the
Amanuense. Appellant
then appealed to the Division
Commissioner, who called
for a report, but the
Division Commissioner ship
was abolished before a
report could be submitted,
and the Deputy Commissioner
struck the case off the file;
on 15 th September 1877.

2. Appellant brought
a regular suit for the
office in June 1891, and
the Assistant Commissioner
who heard the case dismissed
it on the ground that
the suit was barred by
the Law of limitation,
and the Deputy Commissioner
Confirmed his decision
in appeal.

Decision in Appeal No 113 Continued

his duties as Patel, and was applicant aware of it, and if so, ~~from~~ when ~~what date~~.

95

By order,

Chief Secretary.

8/4/24

No 11520
Pet: F. 77-23 dt 12-4-24

Copy forwarded to the Deputy Commissioner for information & guidance, Tumkur District, with the proceedings (to be re-submitted), received with his No 740 dated 10th March 1923.

By order,

Chief Secretary

S.V. BR

(General Serial No. 30.)

1894 FEB. 94

13177.

Pet: 53

From The Deputy Commissioner Tumkur District

To

The Chief Secretary to the ~~Dewan~~ Govt of Mysore.

Dated 24th February 1894.

Despatched

Received

Enclosures ~~No.~~ but in separate packet

General No. 673

No.

In connection with Pet: 77-93 dt 12th January 1894

Submitted the record of the Civil Suit No 113 of 1892-93 with findings on the issues framed by Government.

Submitted in order with the findings as in English.

24/5

15/5

The Case must be posted for hearing on 24/5/94

Pet: 53 of 1893-94

CR 113-92-93

Pet: Issued 2/2

Re. of the Govt. of Bihar

Read: with Rc. 573 dated 24th February 1894 from the Dy. Commr. Santhal Pargana District, submitting as called for in Govt. Resolution No. 11520 dated 12th R.D. 5-7-93 January 1894, the record of the Dy. Commr's finding on the issues framed by Govt.

Order Recorded: No. 1549 dt. 23-7-94 27-7-93

Respondent Balua Gorda admits that he has received moneys from the ryots and there is also some evidence to that effect. But the enquiry held does not show when the emoluments are usually paid. The Dy. Commr. states that they are probably paid as each ryot reaped his crop and harvested it. The Dy. Commr. is requested to report in what months the staple crops of the village under notice are usually harvested.

Reports.

Dy. Comm. Santhal Pargana

Commissioner

LR 160-92-7

157

189

From

The Chief Secretary to the
Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.
No.

50

Sub-d
Fee for entry in the Case Book
Entered in Minute Book
21 Decem 95
(No in Title Page)
22 Order dated 28th July 96 (No in Rule Book)
Ref

LR 140-92-9

the Court observed that the Respondent having, on 2 April 1879, assumed charge of the office of Patel from Appellant, the adverse possession of Appellant commenced from that date, under Article 124 of the Limitation Act. The provisions of the Explanation appended to the Article would apply only to cases in which there has been no actual assumption or taking charge of the office, when it would be necessary to ascertain when the profits are received

Auch d Consulate
Einleiten, Bescheid

The suit has been
finally dismissed. The
Plaintiff appeal
thereon rejected —

61

4/11/94

19-11-94.

No 8515 D 4-11-94
Pol 877-93 29.

To The Deputy Commissioner
Chittagong
Received with Memo
No 6.73 dated 24 Feb 1894

(Bengali)

Sent in Extenso
29/30/11 attested by
[illegible]

No.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

189

Endorsement granted to

in reply to Petition Registered No. dated

Petitioner is informed that

"By Order"

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

5

The parties appear before me and both claim the right to be the Patail.

"The question however is one of expediency. The work has to be attended to and the revenue collected and I therefore think that Beluve Gonda is the better man, Subbia having enough to do to attend to his village."

19. 2. 79

On this order, Subbia appealed to the Division Commissioner in March 1879.

His petition was then referred to the Deputy Commissioner for report whether the petitioner was a relative of the present Patail and from what date the petitioner had been looking after the Patali of the village and the Amanikere.

The Deputy Commissioner directed the Amildar to submit the records connected with the case and to report on the facts

required by the Division Commissioner. 15.8.79.

The Amildar in his report stated that there was no relationship existing between Subbia and Deleere Jowda and that Subbia was Patail from 1876 ——— 15-7-1879

on this the Deputy Commissioner ordered as follows: ———

"The Commissioner's office being abolished, and as I do not find any reason for interfering with Asst. Lacey's order no action is required upon this petition at present" ——— 15.9.79.

Subbia filed a regular suit in the Deputy Commissioner's Court in 1891, as follows: ——

1 That the Plaintiff's grand-father, uncle and Plaintiff himself were the Patails of Chitnahalli village, Amanikere and Bagayet for the last

100 years

with the Amanikere, the Panel of the village was asked to do."

13

3 "It was not till the survey Settlement and separation of the village from the Amanikere that the necessity for a separate Panel for the latter was felt. In the case of some Amanikeres where the village Panel was not able to cope with the work of the Amanikere also separate Panels have been appointed to the Amanikere, In the present case Plaintiff Subbiah was doing the duties of the Amanikere Panel also till the end of 1878 when he was relieved of the same, as Subbiah was found incapable of doing justice to the Panels of both the Puthahalli village and the Amanikere"

On this decision the Plaintiff appealed to the Deputy Commissioner on the following grounds—

1, That the Lower Court was wrong in finding that the Plaintiff failed to establish his right to the Patali, though it was clearly

for the coming

for the coming from the Barabanki Register

2. That the Lower Court erred in computing the time from the date of the first order instead of from the date of the 2nd or final order and thus dismissing the suit on the ground that it was barred by Limitation. 17. 10. 92.

14

The Deputy Commissioner dismissed the appeal as the suit was time barred.

The Plaintiff now appeals on the following grounds —

1 That the Deputy Commissioner was wrong in holding that the Plaintiffs claim was barred by the Law of Limitation as he failed to note the explanation attached to the word "taking possession" Column 3. Art. 124 of the Limitation Act

2 That the Plaintiff could be said to be dispossessed of his office when the Defendant first took the produce of the land attached on Pakaibe which was in Dec 1879 or January 1880

And that since then he has been doing the duties appear from the pleadings filed by him. Plaintiff himself has admitted that he knew of defendant's appointment at the time of the appointment. Plaintiff spoke to that defendant has been doing the duties of the office only since Dec. 1879, that he (Plaintiff) himself was doing the duties prior to that and that there is no documentary evidence in support of his statement (that he was doing duties till December 79). As Plaintiff was aware of defendant's appointment at the time of the appointment and as it is clear from the pleadings filed that defendant has been doing the duties of the office since the date of his appointment I am of opinion that the decision of the lower Courts that the suit is time barred is correct

The Dy Comsr has recorded his findings in English
They are
(1) There is no reliable evidence to show what the emoluments of the office were
(2) there is no reliable evidence to show when the emoluments were being paid
(3) Respondent has been in office since 2nd April 1879. Appellant admits that he was aware of the order appointing defendant in March 1879. Appellant has produced no evidence in proof of his statement that he held office till December, 1879

The Deputy Commissioners Order appointing Belure Gowda as Patel is dated 14th March 1879

Case referred to the
Chief Court for decis
under Sec 226 of the
Mysore Land Revenue Co

Subbiah here-
ditary Patel of Chikkana
halli Amanikere, Gubbi
Taluq, who was doing
the duties of the office
for a period of twenty
years was removed from
Service in March 1879,
and one Belure Gowda,
an utter Stranger, was
appointed Patel in his stead
The latter assumed charge
of the office on the
31st March 1879.

Subbiah filed
his present Suit against
Belure Gowda in the Court

of the General Accountant Commissioner, Tumkur, for recovery of possession of the office on the 8 June 1891.

The question arises whether the suit is within time.

The case is governed by Article 124 of the Second Schedule to the Limitation Act which prescribes 12 years as the period within which a suit for a hereditary office should be brought and this period of twelve years is to be calculated from the time the defendant took possession of the office adversely to the Plaintiff. In the explanation appended to the article, it is said

25

(1) whether the start
point of limitation
is the date of depr
taking charge of the
office or the time
when crops were usua
received by the Patel

(2) in the event of it
being found that
the time of usually
receiving the instalments
is the period, whether
time should be counted
from the ~~date~~ the Patel
usually received any
particular crop.

As these are
questions of great
importance, they will
be referred to the Chief
Court for decision

under Sec 226 of
the Insane Land. Reform
Code

26

No 113 of 1892-93

Appt
Subbiah
of Kattanahalli
Gubbi Taluq
Tumkur Dt

Respt

Belur Gowda -

As admitted by th Respt Appt was Patel of Kallanhalli a amanikare & had possession of th office for 20 years prior to 1879 - On 16th Feby 1879, th Dy Comr of Hassan appointed & removed th appt from his charge of the Amanikara, & appointed Respt, who is unconnected with th appellant, as th Patel on th ground that th appellant was not equal to the work of both th village & th amanikare. Appt then appealed to th Dy Comr who called for a report, but - th Dy Commissionership was abolished before a report could be submitted, & Dy Comr struck the case off the file on 15th September 1879 -

Appt Subbiah brought a regular suit for th office in June 1891, & th

the heard the Case dismissed it on the ground that the Suit was barred by the Law of Limitation & the Dy Com confirmed his decision in appeal—

The present appeal is against the decision of the Dy Com.—

Appellant contends that the time allowed under the Limitation Act should be reckoned from the last deccession in September 1879, & that the Appts possession was not disturbed till Dec 1879 & that even reckoning the time from that date the Suit is not barred.—

The Collector reports that the Appt was not dispossessed till aug 1879 ~~[illegible]~~ 2d April 1879.

The Records show that the Receipt was issued by the Collector to the Appts attorney at the office on 20 April 1879. Hence the cause of action from that date

the Commr began to run from the date on which the Respt actually assumed charge of & possession of the Office — and that the enjoyment of profits subsequently was immaterial — See 1882 I.M. p 343 — The taking charge of the Office & actually possessing it was [illegible] to Appt from 2 Apl/79 — The suit having been brought more than 12 years from that date is clearly [illegible]

The explanation re appt in those cases in which there is no proof as to when the deft entered his duties as Shanbog arising to appt.

AJ

10/7/94

AJ

10/7/94

Read letter from the Dy Commr of Toomkoor dated 24th July 1894. No by 96

—

~~Now~~ ~~Dep~~ Respt Belure Gowda admits that he was receiving Merces from the Ryots, & there is also some evidence to that effect — but the enquiry held does not show when the emoluments are usually paid — The Dy Commr states that they were probably paid as each ryot reaped his crop & harvested it — The Dy Commr is requested to report within two months ~~when~~ the staple crops of the village

~~means~~ Pro read
[illegible], of Mr. T. Chettyar
[illegible] that we can
[illegible] of the case,
[illegible] a finding
[illegible] point
[illegible]
23/6/94

the Commr has
[illegible] from
the man entered
[illegible] duties of the
of the man dismissed
[illegible] profits does
in such a case ⊗
25/6/94 AJ

under which are
usually harvested.

'23/6194

Draft
22/13/7

hearing on 21 Sept 1893

(General Serial No. 30) 10297

1892-93 File 407. (9)

From The Deputy Commissioner
Tumkur District

To

The Chief Secretary to the ~~Govt~~ Government of Mysore.

LR 140-92-3

Dated Tumkur the 6th June 1893

Despatched 11th do.

Received

Enclosures No. (Proceedings in a separate Bundle)

General No. 740.
No.

Secretary's Official Memorandum
No. 1120 of the 3rd Instant

Submitting the record in connection with the petition of Kodlenah of Chitrahalli in the Gubbi Taluk regarding the Pateli of the said Chitra-halli Amani Kore

Petn Bor Mem
11B/3
Secy for Govt
Secy to Govt
Mem

M. G. C. P. Bangalore.—27-1-93.—5,000.

Decision in Appeal No 113 (Continued)

43

The present appeal is against the decision of the Deputy Commissioner.

3 The records show that the Respondent was ordered by Sheikhadar to do duties of the office on 2nd April 1879. Reckoning the cause of action from that date the suit is barred by the Law of Limitation, but Appellants advocate Contends that, under article 124 of the Limitation Act XV of 1877, the cause of action arises not on the date on which the Respondent Commenced to do duties of the Office, but on the date when the profits

profits thereof are usually received, and if the latter date be taken the suit is not barred.

4. Before deciding this point which is an important one, the Deputy Commissioner is requested to make a further enquiry on the following points, and submit the additional evidence to Government with his findings, within a month from date of receipt of these proceedings:—

1 Has the Office any emoluments attached to it?

2. When are they usually collected?

3. When did the Respondent actually enter upon his

No. 2181/A.S. 113

18-1-94

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
12th January 1894

46 (6)

Endorsement granted to Subbaiya of Chittanhalli, Gubbi Taluk (represented by Mr S. Narayana Row, advocate)

in reply to his Petition Registered No. 2181/A.S 113 dated 22nd February 93 appealing against the Tumkur Deputy-Commissioner's order regarding the ~~Chowdiki~~ Patti of Chittanhalli Amanikere.

Petitioner is informed that the case has been remanded for further enquiry on the question whether the suit is barred by the Law of Limitation, or not-

LC
8/11/93

LR 169-92-5
11/1

1/93 or 12-1-94
18

Mr L. Seemavarayya
Pleader for Respt Belurepada

"By Order"

Draft
Council order

Chief Secretary.

12

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

No. 673

Deputy Commissioner's Office
Dated Camp Midigesi
24th February 1894.

To,

The Chief Secretary to the
Government of Mysore.

Sir,

As required in your Docket No. 11520 Pet. F. 77-93 of the 12th January 1894, I have recorded my findings on the issues as framed by Government in the matter finally noted Patél case the record of which I beg to forward herewith.

I have the honor to be,
Sir,
Your most obedient servant,

W. Venkatarao
Deputy Commissioner.

Patél Case No. 113 of 1892-93.
Plaintiff No. Respondent.
Patél of Belluré.
Tahsildar of Gowdo.
Taluk.

(General Serial No. 30.)

2028

1894. 95.

Pet 113.

From The Deputy Commissioner
Eastern Division.

To The Chief Secretary to the ~~Durbar~~ Government of Mysore.

Dated 14th August 1894.

Despatched 15th —do—

Received

Enclosures No.

General No. 158
No.

Govt: order No. 1549 P.F. 77-93 dated the 23rd July 1894.

Reporting, in connection with appeal case No. 113 of 1892-93, the months in which the staple crops of the Chitra-halli village are har-vested.—

Submitted to Council with reference

5.

Report by 4th

Submitted to 1st November

Notices to be issued at once.

Rec'd 17/8

No. 158

Tumkur Distt.
Deputy Commissioner's
Dated 14th August

57

To,

The Chief Secretary to the
Government of Mysore.

Sir,

Appeal case No. 113 of 1892-93.
Appellant
Subbiah &
Chinnakalli
Subbiah &c.
Vs.
Respondent
Belluregowda.

With reference to Governme
order No. 1549/P.F. 77-93 dated the 23rd July /
enquiring in connection with the
ginally noted case, in what mon
the staple crops of the village in
notice are usually harvested, I
the honor to state that the Rag
crops are harvested in the mo
of February and March, the V
Kha paddy in the months of Au
and September and the Kharteek
in January and February.

2. The crops under reference
Vaisakha grown under the Chitn
tank. They are harvested in
August and September.—

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner.

(13)

57

Draft

Chief Secretary

Bill.

Copy to Respondents 11/26/11

29/11